IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

TUESDAY, THE SEVENTH DAY OF DECEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE SRI JUSTICE N.V. RAMANA

WRIT PETITION NO.22428 of 2004

Between:

1 P.Vijaya Lakshmi Choudary W/o.Maj P.T.Choudary (Retd) Rep by

P.T.Chowdary, 8-2-283/4, Road No14,
Banjara Hills, Hyderabad.
2 P.Virendernath Choudary S/o.Maj P.T.Choudary (Retd) rep by

P.T.Chowdary, 8-2-283/4, Road No14,
Banjara Hills, Hyderabad.
3 P.Lalitchandra Choudary S/o.Maj P.T.Choudary (Retd)rep by

P.T.Chowdary, 8-2-283/4, Road No14,
Banjara Hills, Hyderabad.
4 Maj P.T.Chowdary (Retd) S/o.Col.P.L.NChowdary
8-2-283/4, Road No.14.
Banjara Hills, Hyderabad.

..... PETITIONERS

AND

1 The Dist. Collector, Hyderabad District,
Hyderabad.
2 The Mandal Revenue Officer
Golconda (M), Hyderabad.

.....RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the affidavit filed herein the High Court may be pleased to issue a Writ of Mandamus or any other appropriate Writ directing the action of the respondents in seeking to lay fencing through the land of the petitioners admeasuring Ac.2.10 Gts., in Sy.No.129/56, Shaikpet Village, Golconda Mandal, Hyderabad District bearing Municipal No.8-2-283/4, Road No.14, Banjara Hills, Hyderabad, as arbitrary and illegal and direct the respondents not to lay any fence through the land of the petitioners except in accordance with due procedure of law.

Counsel for the Petitioners: MR.V.VENKATARAMANA
Counsel for the Respondents: GP FOR REVENUE

The Court at the stage of admission made the following:

ORDER:

This writ petition is filed seeking a direction to the respondents not to lay any fencing through the land of the petitioners admeasuring Ac.2.10 Guntas in Survey No.129/56 of Shaikpet village, Golconda Mandal, Hyderabad District bearing Municipal No.8-2-283/4, Road No.14, Banjara Hills, Hyderabad.

The petitioners claim to be the owners and possessors of 7721 sq. yards out of Ac.2.10 Guntas of land in Survey No.129/56 situated at Shaikpet village, Golconda Mandal, Hyderabad District. The grievance of the petitioners is that without issuing any notice, the respondents are trying to lay fencing through the land in question. Hence, the writ petition.

Heard the learned counsel for the petitioners and learned Government Pleader for Revenue.

When the matter is taken up for hearing, learned Government Pleader for Revenue has produced parawise remarks before this Court, which reads thus:

> "In this regard, it is to submit that the fencing is being raised by this office in T.S.No.17, Block-'D', Ward No.10 correlated to Sy.NO.403 of Shaikpet village, which is a Government land but not in the petitioner's land, which is in Sy.No.129/56 of Shaikpet village.
>
> Therefore, the allegations of the petitioner in the above W.P. that fencing is being raised in their patta land far from truth and hence it is liable for dismissal.
>
> While enclosing the sketch showing the petitioner land and the Government land around which fencing is being erected for appreciating the same to the Hon'ble High Court of A.P., Hyderabad, it is requested to see that the W.P. is dismissed with costs."

Along with the said parawise remarks, learned Government Pleader also enclosed a sketch map showing the wire fencing in blue colour in T.S.No.17. When the said parawise remarks along with sketch map was shown to the learned counsel for the petitioner, on verifying the same, he submitted that he has no objection if the fencing is made by the respondents in the manner indicated in the said sketch.

In that view of the matter, recording the said submission made by the learned counsel for the petitioner and keeping the said parawise remarks along with sketch on record, I deem it appropriate to dispose of the writ petition with a direction to the respondents to lay the fencing only in the manner indicated in the sketch produced before this Court.

Accordingly, the writ petition is disposed of at the stage of admission. No costs.

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(N.V. RAMANA, J)

Date: 07.12.2004

Nsr

To

1 The Dist. Collector, Hyderabad District,
Hyderabad.
2 The Mandal Revenue Officer
Golconda (M), Hyderabad.

3 Two CCs to GP for Revenue, High Court of AP, Hyderabad (OUT)

4 Two CD copies.